



H.R. 5949 – Clean Boating Act of 2008

FLOOR SITUATION

H.R. 5949 is being considered on the floor under suspension of the rules and will require a two-thirds majority vote for passage. This legislation was introduced by Representative Steven LaTourette (R-OH) on May 1, 2008. The Committee on Transportation and Infrastructure ordered the bill to be reported by voice vote on May 15, 2008.

H.R. 5949 is expected to be considered on the floor of the House on July 22, 2008.

Note: H.R. 6556, which addresses the same issue for non-recreational vessels, is also expected to be considered on the floor on July 22, 2008.

SUMMARY

H.R. 5949 amends the Federal Water Pollution Control Act to direct the Environmental Protection Agency (EPA) Administrator to not require permits for the discharge of graywater, bilge water, cooling water, weather deck runoff, or other discharges incidental to the normal operation of a recreational vessel.

Note: 'Recreational vessel' is defined as any vessel that is leased, rented, or chartered to a person for pleasure, or that is manufactured primarily for pleasure.

The bill requires the EPA Administrator to develop management practices for recreational vessels to mitigate adverse impacts on American waters from discharges other than sewage. The Administrator must also publicize federal performance standards within one year for each discharge for which a management practice is developed.

H.R. 5949 also requires the Secretary of Transportation or Homeland Security (depending on the Coast Guard's operation) to make regulations governing the design, construction, installation, and use of management practices for recreational vessels. The bill also prohibits recreational vessel operators and owners from operating in U.S. waters if they are not in compliance with management practice regulations.

BACKGROUND

In 1973, the Environmental Protection Agency (EPA) issued a regulation excluding recreational and commercial vessels from permitting requirements under the Federal Water Pollution Control Act for discharges that are incidental to normal boat operation. In September 2006, the U.S. District Court for the northern district of California ruled in *Northwest Environmental Advocates v. U.S. Environmental Protection Agency* that the EPA had exceeded its authority under the Federal Water Pollution Control Act. The court thus revoked the permit exclusion for recreational vessels effective September 30, 2008.

According to the EPA, around 13 million recreational vessels could be affected by this ruling. The owners and operators of these vessels would be required to obtain discharge permits. However, no permits are currently available and the cost of these permits is as of yet unknown. Under current law, failure to comply with permit requirements could result in fines of up to \$32,500 per day for a recreational boater.

COST

The Congressional Budget Office (CBO) estimates that implementing H.R. 5949 "would have no significant effect on the federal budget." [Full CBO Cost Estimate](#)

STAFF CONTACT

For questions or further information contact Adam Hepburn at (202) 226-2302.